

1-1 By: Murphy, et al. (Senate Sponsor - Eltife) H.B. No. 14
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on Economic
1-4 Development; May 19, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the eligibility for unemployment benefits of a person
1-9 receiving certain forms of remuneration.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 207.049, Labor Code, is amended to read
1-12 as follows:

1-13 Sec. 207.049. RECEIPT OF REMUNERATION. (a) An individual
1-14 is disqualified for benefits for a benefit period for which the
1-15 individual is receiving or has received remuneration in the form
1-16 of:

1-17 (1) wages in lieu of notice;

1-18 (2) severance pay; or

1-19 (3) [~~(2)~~] compensation under a state worker's
1-20 compensation law or a similar law of the United States for:

1-21 (A) temporary partial disability;

1-22 (B) temporary total disability; or

1-23 (C) total and permanent disability.

1-24 (b) In this section, "severance pay" means dismissal or
1-25 separation income paid on termination of employment in addition to
1-26 the employee's usual earnings from the employer at the time of
1-27 termination. The term does not include any remuneration received
1-28 by an employee under:

1-29 (1) a release of claims or settlement agreement
1-30 entered into between the employee and the employer:

1-31 (A) based on an alleged violation of the Civil
1-32 Rights Act of 1991 (Pub. L. No. 102-166); or

1-33 (B) pursuant to a claim or cause of action filed
1-34 in connection with the employment relationship; or

1-35 (2) a written contract, including a collective
1-36 bargaining agreement, negotiated with the employer before the date
1-37 of separation from employment of the employee.

1-38 (c) The commission may adopt rules as necessary to
1-39 administer this section.

1-40 SECTION 2. The change in law made by this Act applies only
1-41 to a claim for unemployment compensation benefits that is filed
1-42 with the Texas Workforce Commission on or after the effective date
1-43 of this Act. A claim filed before the effective date of this Act is
1-44 governed by the law in effect on the date the claim was filed, and
1-45 the former law is continued in effect for that purpose.

1-46 SECTION 3. This Act takes effect September 1, 2011.

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